

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

US DISTRICT COURT  
WESTERN DIST. ARKANSAS  
FILED  
OCT 14 2016

DOUGLAS F. YOUNG, Clerk  
Deputy Clerk

JAY RAGAN,

*Plaintiff*

v.

Case No. 16-4097

JOE STAFFORD and  
CLIFTON STAFFORD,  
*Defendants*

**COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes JAY RAGAN, hereinafter referred to as Plaintiff, complaining of JOE STAFFORD and CLIFTON STAFFORD, hereinafter referred to as Defendants, and for his cause of action would respectfully show the following:

A.

**NATURE OF ACTION**

1. This is a personal injury case. Plaintiff was driving his vehicle on Highway 24, near Horatio, Sevier County, Arkansas, when he struck a cow on the road. The cow was owned and/or under the control of Defendants. Plaintiff's vehicle went air borne and was severally damaged. Plaintiff received serious injuries as a result of the wreck.

B.

**JURISDICTION AND VENUE**

Jurisdiction

2. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332 in that Plaintiff is a resident of Oklahoma and Defendants are residents of Arkansas. The incident

complained of herein took place in the Western District of Arkansas. Plaintiff's damages complained of herein exceed the jurisdictional requirement of \$75,000.00.

C.

**PARTIES**

3. Plaintiff is an individual residing at 297 Davis Lane, Eagletown, Oklahoma.
4. Defendant Joe Stafford resides at 1383 Highway 24, DeQueen, Arkansas 71832.

Defendant Clifton Stafford resides at 113 Kornegay Road, DeQueen, Arkansas 71832.

D.

**FACTS**

5. On or about April 22, 2016, in the early morning hours, Plaintiff was traveling to work, east on Highway 24 West in Sevier County, Arkansas. Plaintiff's vehicle struck a black cow owned and/or under the control of Defendants that was running loose on the highway.

6. As a result of hitting the cow, Plaintiff's vehicle was extensively damaged. Plaintiff was transported by ambulance to DeQueen Regional Medical Center. He has been diagnosed with a significant spinal injury which required surgical repair.

7. Defendants were contacted by law enforcement and notified that their cow had been hit. Defendant Joe Stafford came to the accident scene and removed the cow carcass.

E.

**PLAINTIFF'S CLAIM OF NEGLIGENCE**

8. Defendants had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.
9. Plaintiff's injuries were proximately caused by Defendants' negligent, careless and reckless disregard of their duty.

10. The negligent, careless and reckless disregard of Defendants' duty consisted of, but is not limited to, the following acts and omissions:

- a. In that Defendants have previous to this accident, and subsequent to this accident, had livestock not properly contained and enclosed, and have failed, and continue to fail, to take precautions to protect the public;
- b. In that Defendants failed to have proper enclosure for the cow;
- c. In that Defendants failed to adequately inspect, upkeep and repair the enclosure for the cow;
- d. In that Defendants failed to have any mechanism or procedure in place to notify Defendants when a cow breached the enclosure;
- e. In that Defendants failed to have any mechanism or procedure in place to warn Defendants when a cow breached the enclosure; and
- f. In that Defendants failed to investigate and retrieve the cow.

**F.**

**NEGLIGENCE PER SE**

11. Defendants have committed negligence per se in that they violated Arkansas law when, as the owners or persons charged with custody and care of the livestock, they failed to properly contain and enclose the livestock and allowed it to run loose in violation of Ark. Code Ann. §§5-62-122, and all other applicable laws, statutes and ordinances. Ark. Code Ann. §§5-62-122 is a statute codified, in part, to protect the safety of individuals, like Plaintiff, traveling upon state roads who might come in contact with livestock and be injured.

**G.**

**DAMAGES FOR PLAINTIFF**

12. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was personally injured and incurred the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of her injuries

resulting from the accident complained of herein and the charges are reasonable and were the usual customary charges for the services;

- b. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Physical impairment in the past; and
- f. Physical impairment in the future.

**H.**

**PLAINTIFF'S JURY DEMAND**

- 13. Plaintiff hereby demands a jury trial.

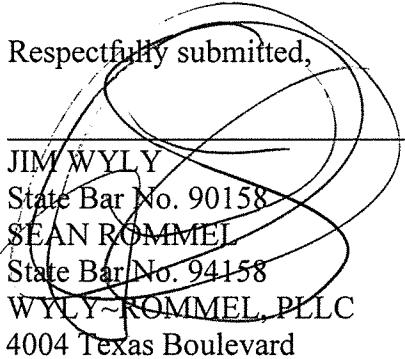
**I.**

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendant for damages as claimed herein; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Dated: October 7, 2016

Respectfully submitted,

  
JIM WYLY  
State Bar No. 90158  
SEAN ROMMEL  
State Bar No. 94158  
WYLY~ROMMEL, PLLC  
4004 Texas Boulevard

Texarkana, Texas 75503  
(903) 334-8646 (Telephone)  
(903) 334-8645 (Facsimile)  
jwyly@wylyrommel.com

ATTORNEYS FOR PLAINTIFF